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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,543	07/21/2003	Robert G. Dickie	6411-05/DEH	3909
24035	7590	10/20/2004	EXAMINER	
KEYSER MASON BALL, LLP FOUR ROBERT SPECK PARKWAY SUITE 1600 MISSISSAUGA,, ON L4Z 1S1 CANADA			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/622,543

**Applicant(s)**

DICKIE, ROBERT G.

**Examiner**

Ismael Negron

**Art Unit**

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2875

## DETAILED ACTION

### *Ex parte Quayle*

1. This application is in condition for allowance except for the following formal matters:

#### *Title*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Night Light Having Directionally Adjustable Light Output.**

#### *Information Disclosure Statement*

3. The listing of references in the specification (see page 2, lines 10-22 of the specification as filed) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

*Drawings*

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “42” has been used to designate both “*lines*” (page 9, line 3) and “*sidewalls*” (page 9, line 12). In addition, note the following:

- reference character “46”, used to designate “*vent opening*” (page 10, line 1) and “*top vent opening*” (page 10, line 9);
- reference character “92”, used to designate “*LED lamp*” (page 10, line 29) and “*source of illumination*” (page 11, line 1);
- reference character “28”, used to designate “*adjustment actuator*” (page 8, line 12) and “*adjustment wheel*” (page 11, line 2);
- reference character “116”, used to designate “*discrete bottom chambers*” (page 11, line 29), “*mounting*” (page 12, line 4) and “*rear chamber housing*” (page 12, line 4);
- reference character “118”, used to designate “*discrete bottom chambers*” (page 11, line 29) and “*mounting*” (page 12, line 4); and
- reference character “122”, used to designate “*lines*” (page 12, line 12), “*louvers*” (page 12, line 14) and “*discrete louvers*” (page 12, line 16).

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “24” has been used to designate different parts in different embodiments. See Figures 1 and 7. In addition, note the following:

- reference character “26” used in Figures 1, 7 and 15;

Art Unit: 2875

- reference character "40" used in Figures 1, 9 and 11; and
- reference character "42" used in Figures 1, 9 and 11

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g).

Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

#### *Claim Objections*

7. Claim 1 is objected to because of the following informalities: the language of the claim is replete with syntax errors. Appropriate correction is required.

8. The Examiner suggest amending Claim 1 as follows:

Claim 1. A night light comprising:

Art Unit: 2875

a housing having a front face and a substantially planar rear face;

an electrically powered source of illumination disposed within the interior of said housing and located between said front and rear faces; ~~and~~

an adjustment actuator which is mounted within said housing on an axis of rotation, with a portion of said adjustment actuator extending forwardly beyond said front face; ~~wherein said rear face is substantially planar and has~~

electrical blades extending rearwardly therefrom from the rear face for placement into an electrical socket; ~~wherein~~

at least a portion of said front face is been translucent; ~~wherein~~

said source of illumination is been chosen from the group consisting of an incandescent bulb ~~together with having a reflector whereby light from said incandescent bulb is directed away from said reflector~~ for directing light generally forward, at least one LED lamp, an LED panel, an electroluminescent panel, and an OLED panel, ~~and combinations thereof~~; and

wherein said source of illumination is mounted within said housing so as to be rotatable about ~~an~~ the axis of rotation through an arc of 30° to 150° by actuation of said adjustment actuator ~~which is mounted within said housing on the axis of rotation of said source of illumination with a portion of said adjustment actuator extending forwardly beyond said front face.~~

Art Unit: 2875

9. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

10. Claims 1-16 are allowed subject to the correction of the issues raised in Section 7 of the instant Office Action..

11. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a night light having a housing, a light source, electrical blades for placement into an electrical socket, and an adjustment actuator mounted within said housing with a portion extending forwardly beyond a front face of the housing. . Actuation of the adjustment actuator provides rotation of the source of illumination through an arc of 30° to 150°.

No prior art was found teaching individually, or suggesting in combination, all of the features of the applicants' invention, specifically the rotatable light source structure in combination with the claimed night light structure.

Art Unit: 2875

### **Relevant Prior Art**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Tamol** (U.S. Pat. 1,952,783), **Riddell** (U.S. Pat. 2,539,974), **Curran** (U.S. Pat. 3,443,083), **Arts** (U. S. Pat. 3,801,814), **Ham** (U. S. Des. Pat. 347,288), **Burns** (U.S. Des. Pat. 425,221), **Petterson** (U.S. Des. Pat. 432,688), **Lam** (U.S. Pat. 6,140,934), **Tin Shun Victor** (U.S. Pat. 6,200,001), **Victor** (U.S. Pat. 6,276,813) and **Leen** (U.S. Pat. 6,561,677 and 6,709,126) disclose night lights having rotatable means to redirect the illumination output. However, they fail to disclose or suggest the specific structure claimed by the instant application.

### **Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for




Art Unit: 2875

published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

*Inr*  
Inr

October 14, 2004

  
JOHN ANTHONY WARD  
PRIMARY EXAMINER